

# Process Servers, Court and Clerk's Office Information and Exchange Presentation

Minutes for January 21st, 2009

## Welcoming Remarks

- Honorable Michael K. Jeanes, Clerk of the Superior Court, welcomed the group to the meeting. The meeting started at 12:00. **The next quarterly meeting is scheduled for April 29<sup>th</sup>, 2009 at 12:00** and will be held in the Downtown Justice Center, 620 West Jackson, in the 2<sup>nd</sup> floor CTS Training Room Suite 2083. Parking is available in the parking structure across the street at 601 West Jackson.

The new Process Server's 2009 meeting calendar is now available on the Clerk's Internet site at:  
[http://www.clerkofcourt.maricopa.gov/Process\\_Server/calendar/PS-Y2009CAL.pdf](http://www.clerkofcourt.maricopa.gov/Process_Server/calendar/PS-Y2009CAL.pdf)

## eFile and ECR Online Update

- Mr. Jeanes reviewed Supreme Court Administrative Order #[2008-89](#), signed by Chief Justice Ruth V. McGregor, authorizing attorney's and parties to voluntarily eFile documents in civil cases effective December 1, 2008. The Local Maricopa County Court Rule that requires or allows paper copies to be provided to the judicial divisions does not apply to electronically filed documents. Mr. Jeanes also advised there is a pending Administrative Order ready to be signed requiring mandatory eFiling for all attorneys. It is anticipated the order will be signed once the statewide eFiling portal is complete. The vendor contracted to develop the statewide eFiling portal is Intresys ([TurboCourt](#)).
- Mr. Jeanes reviewed proposed court rule changes pertaining to data dissemination and access to court records to the following rules: Supreme Court Rule 123, AZ Rules of Criminal Procedure Rule 2.3 and AZ Rules of Civil Procedure Rule 5. The rule changes would prevent a filing party from including sensitive data in documents filed such as social security numbers, bank account numbers, etc. The rule change would also expand electronic access to court records. The proposed rule changes are available on the Supreme Court's website by clicking [here](#).

## Budget Status Update

- Mr. Jeanes provided information about Administrative Order #[2009-001](#), signed by Chief Justice Ruth V. McGregor of the Supreme Court, regarding budget reductions in the Judicial Branch of Arizona. The administrative order authorizes all minute entries to be delivered electronically to attorneys if local court technology capabilities permit doing so. An attorney wishing to receive paper copies of minute entries may do so upon paying a fee (the amount is yet to be established). Attorneys are required to provide a valid email address to the State Bar of Arizona by July 1, 2009, so that official court documents may be sent to them electronically. This order also authorized the charging of a \$26 fee for the establishment and processing of a deferral.
- Budget cuts are anticipated in the Clerk's office. There are currently 94 vacant positions in the Clerk's office; however, 40 of the vacant positions are not funded. The remaining 54 vacant positions will not be filled. The Maricopa County Board of Supervisors asked the Clerk's office to present a budget that is reduced up to 20%. If the reduced budget is implemented, service levels will degrade. Information will be disseminated as soon as it becomes available.

## Court Administration Topics

- Ms. Donna Williams, Family Court Assistant Administrator, was not present at the meeting. A request was made that a LRD or last revision date be included when the Judge's list is updated on the Superior Court website. Mr. Jeanes indicated that he would pass this onto Court Administration.

## **NEW CV Cover Sheet**

- Lauri Thomas explained that a new statewide Civil coversheet was now available on the Supreme Court website and briefly discussed the changes to the coversheet. A Maricopa County version is also available. It was requested that whenever possible, when filing in Maricopa County, that the local Maricopa County version of the coversheet be used.
  - Question: "How are cases assigned at the different facilities?" It was explained that zip code of the pro per party or attorney would be used to ascertain which facility a case would be assigned. If a case is assigned the wrong location pursuant to Clerk error and if this is brought to our attention before the case is initiated on the case management system or before the case is served on the other party, a correction will be made administratively. If the error is not identified in a timely manner, a request for reassignment would be required.
  - Question: "Is there any clarification on what is subject to the complex litigation fee and what is not?" It was explained that the majority of new cases are subject to the fee. The only cases not subject to the fee are those that use very little court resources, such as name changes, injunction against workplace harassment, etc. The Clerk's office is in the process of updating the fees portion of our website to align with the Supreme Court's direction for fees.

## **Family Court Rule Changes Effective 01/01/2009**

- Mr. Jeanes explained that the Family Court Rule changes went into effect on January 1, 2009. The biggest impact to the Process Servers would be that a new Sensitive Data Sheet was approved.

## **New Probate Rules in Effect – 01/01/2009**

- Mr. Jeanes announced the new Probate Rules that went into effect on January 1, 2009. These rules are brand new and we anticipate that there may be some requests for changes during the Rule 28 review period.

Website Addresses with Rule Change Information

[Arizona Rules of Probate Procedure - R-07-0012](#)

[Recent Rule Changes](#)

- Question; "Can the Clerks Office post all changes that would pertain to the Process Servers?" Mr. Jeanes explained he didn't know if that would be something that would be feasible for the Clerk's office to provide, but that he would look into the possibility and he would have Aaron Nash review Rule 28 concerning our responsibility. Click [here](#) to view the order amending Rules 28 and 124 in the Rules of the Supreme Court.
- Court Operations Supervisor, Maridel Soileau, provided information regarding the new confidential documents envelope requirement. All confidential documents must be in a 9x12 envelope. The envelope must have the necessary information on the front of the envelope in order for them to be accepted at the probate file counter. Envelopes are available for \$.50 per envelope at the probate file counter.

## **Subpoenas Issued by State Bar**

- Mr. Gordon Mulleneaux, Associate Clerk with the Clerk of the Superior Court, reviewed the information regarding the new process that allows attorney's to have Maricopa County civil subpoena's issued electronically 24 hours a day. Attorneys may access the AZ State Bar's website at [www.myazbar.org/subpoenas](http://www.myazbar.org/subpoenas) and have civil subpoenas issued electronically. The standard \$26 issuance fee applies as well as a \$10 servicing fee. An official court seal is electronically placed on the subpoena as well as a unique identifying number and a code indicating which county the subpoena was issued on behalf of. The fees and a report listing the subpoenas issued are transmitted to the Clerk's office on a monthly basis. In the near future, customers will be able to utilize the online subpoena application for other superior courts and case types.

### **Process Server Requirement to Update Information**

- Ms. Melanie Fay with Customer Service requested all process servers call the Process Servers Coordinator when contact information (phone numbers and addresses) are to be updated at 602-506-1909.
  - Question: "Can an email address be set up for the updates?" Ms. Fay advised that they are working on that and the email address will be added to the Clerk's office website once it is available.

### **Depository Location Follow up**

- Mr. Jeanes advised the lighting concerns previously discussed were addressed. Additional lighting was added to the area. Mr. Jeanes asked if there were any other concerns regarding the new location of the night depository box and none were mentioned.

### **Justice Court Information**

- Honorable Judge Sam Goodman was not present at the meeting.

### **Questions:**

- "When will the minutes from the October 15<sup>th</sup> meeting be published on your website?" Answer: We will work on having them posted. (update: the minutes are now available)
- "Will the Civil File Counter continue to help customers until 5:30pm?" Answer: Yes, however, this is subject to change due to the budget constraints.
- "I have concerns about how the complaint procedures are being handled for a Process Server. Can the Judge responsible for following up on Process Server complaints be invited to the next meeting?" Answer: We can invite the Judge and it will be at the Judge's discretion to attend. If the Judge does attend, they will not be able to discuss specific complaints.
- "Is it possible your office will change to a four day work week?" Answer: By state law, we must be open 8:00am to 5:00pm. It would be up to the Governor and Legislature to make that change. We are not able to make that change without their approval.
- "Do you know when the Southwest office will open?" Answer: Due to budget constraints, the opening of that location is on hold. Almost all building projects are on hold except the Criminal Court Tower project until further notice.

Mr. Jeanes explained that if any one has any issues that come they are welcome to contact Lauri Thomas at [LThomas@COSC.maricopa.gov](mailto:LThomas@COSC.maricopa.gov) we will always try to resolve any problems as quickly as possible. Having no additional items, the meeting was adjourned at 1:00 P.M.

THE NEXT REGULAR MEETING IS SCHEDULED:

**Wednesday, APRIL 29<sup>th</sup>, 2009 from 12:00 – 1:00 PM**  
**620 WEST Jackson – 2nd FLOOR- CTS TRAINING ROOM #2083**